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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,360	12/15/2003	Adam P. Dicker	0325991-54740	6009
50828	7590 02/22/2006		EXAMINER	
DAVID S. RESNICK			KWON, BRIAN YONG S	
100 SUMMER STREET NIXON PEABODY LLP			ART UNIT	PAPER NUMBER
BOSTON, MA 02110-2131			1614	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)		
	10/737,360	DICKER ET AL.		
Office Action Summary	Examiner	Art Unit		
	Brian S. Kwon	1614		
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	I. sely filed the mailing date of this communication.  D (35 U.S.C. § 133).		
Status				
1) Responsive to communication(s) filed on 15 D 2a) This action is <b>FINAL</b> . 2b) This 3) Since this application is in condition for alloware closed in accordance with the practice under E	s action is non-final.  nce except for formal matters, pro			
Disposition of Claims				
4) Claim(s) 1-16 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-16 are subject to restriction and/or subject to restriction.	wn from consideration.	,		
Application Papers				
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the Education of the Education of the Idea of the I	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:			

Application/Control Number: 10/737,360

Art Unit: 1614

## **DETAILED ACTION**

## Election/Restrictions

The claimed inventions (particularly claims 1-15) are generic to a plurality of disclosed patentably distinct species comprising (I) (a) anti-platelet agent in combination with (b) antineoplastic agent, (II) (a) anti-platelet agent in combination with (c) radiation therapy, (III) (a) anti-platelet agent in combination with (b) anti-neoplastic agent and (c) radiation therapy, (IV) (a) anti-platelet agent in combination with (b) anti-neoplastic agent and (d) radiosensitizing agent, (V) (a) anti-platelet agent in combination with (c) radiation therapy and (d) radiosensitizing agent, (VI) (a) anti-platelet agent in combination with (b) anti-neoplastic agent, (c) radiation therapy and (d) radiosensitizing agent, and (VII) (a) anti-platelet agent or anticlotting agent or SR 25909.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Moreover, whatever specific species is ultimately elected, applicants are required to list all claims readable thereon.

With the election of a specific exemplified species, a generic concept will be identified by the examiner as the inventive group for examination.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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2. A telephone call was made to David S. Resnick on February 07, 2006 to request an oral

election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The

examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Low, can be reached on (571) 272-0951. The fax number for this Group

is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Brian Kwon
Patent Examiner

AU 1614

Bil